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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 29th March, 1983:—

BILL No. 31 OF 1984

A Bill to provide, in the public interest, for the acquisition of certain shares of the Mogul Line Limited in order to serve better the shipping needs of the nation and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Mogul Line Limited (Acquisition of Shares) Act, 1984. Short title.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "appointed day" means the date on which this Act comes into force;

(b) "Company" means the Mogul Line Limited, being a company within the meaning of the Companies Act, 1956, and having its registered office at 16, N. G. N. Vaidya Marg (Bank Street), Bom-
bay;

1 of 1956.

(c) "share" means a share in the capital of the Company, and includes a share pledged by any shareholder with any bank or other creditor;

(d) "shareholder" means a person who, immediately before the appointed day, was registered by the Company as the holder of any share and includes his legal representative;

(e) words and expressions used herein and not defined but defined in the Companies Act, 1956, have the meanings respectively assigned to them in that Act.

1 of 1956.

Transfer
and
vesting of
certain
shares
of the
Company
in the
Central
Govern-
ment.

3. (1) On the appointed day, all the shares of the Company which are not held by the Central Government shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of members of the Company as the holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (1).

(3) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges, liens and other encumbrances affecting them, and any attachment, injunction or any decree or order of the court, tribunal or other authority restricting the use of such shares in any manner, shall be deemed to have been withdrawn.

(4) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect—

(a) any right of the Company subsisting, immediately before the appointed day, against any shareholder to recover from such shareholder any sum of money on the ground that the shareholder has not paid or credited to the Company the whole or any part of the value of the shares held by him, or on any other ground whatsoever; or

(b) any right of the shareholder subsisting, immediately before the appointed day, against the Company to receive any dividend or other payment due from the Company.

Manage-
ment of
the
Company.

4. For the purposes of enabling the Company to function as a Government company in which the entire share capital is held by the Central Government, the Central Government may, by notification in the Official Gazette, make such provisions (including amendments in the memorandum and articles of association of the Company) as it may consider necessary and the provisions so made shall have effect notwithstanding anything contained in the Companies Act, 1956.

1 of 1956.

Payment
of
amounts.

5. (1) Every shareholder whose shares in the capital of the Company are transferred to and vested in the Central Government under section 3 shall, for such transfer and vesting, be given by that Government, in cash and in the manner specified in section 6, an amount calculated at the rate of rupees ten per share.

(2) The amount payable to a shareholder under sub-section (1) shall carry simple interest at the rate of five and a half per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the shareholder or where such amount has been deposited under sub-section (4) of section 6, on the date on which it is so deposited.

6. (1) The amounts payable to a shareholder in accordance with the provisions of section 5 shall be given to him in cash to be paid by cheque drawn on the Reserve Bank of India. Manner of payment of amounts.

(2) A shareholder may make an application, in writing, to the Central Government for the payment of the amounts payable to him.

(3) On the receipt of an application under sub-section (2), the Central Government shall, after making such investigation as may, in its opinion, be necessary, make the payment.

(4) If any dispute arises as to the person entitled to receive the amounts payable in respect of any share, the Central Government shall deposit the amount in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated for being paid to the person or persons entitled to be paid.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority. Act to have overriding effect.

8. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Mogul Line Limited is a public sector undertaking in the field of shipping functioning under the aegis of the Ministry of Shipping and Transport. At present, the Company is operating certain important services, such as, the Haj Passenger Service, Konkan Passenger Service, Coastal Cargo Service, Bombay-Red Sea Cargo Service and the Overseas Transp Service. The value of the net assets of the Company at present, that is, investment and working capital, is much less than the amount of its loan liabilities. 18,94,483 shares of the Company (which constitute 99.65 per cent. of the total shares of the Company) are held by the President of India, whilst the remaining 6,707 shares (0.35 per cent. of the total shares of the Company) are held by private individuals/institutions.

2. With a view to dealing effectively with the problems faced by the Company and thereby to enable the undertakings of the Company to serve better the shipping needs of the nation, it is considered necessary in the public interest to make the Company a fully owned Government company. Efforts to acquire by private negotiations the small per cent. of the shares of the Company which are held by the private individuals/institutions have for various reasons not borne fruit. It is accordingly proposed to acquire the said shares.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

K. VIJAYA BHASKARA REDDY.

The 20th February, 1984.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 5 of the Bill provides for payment of an amount calculated at the rate of Rs. 10 per share to every shareholder of the Company. The number of shares which are proposed to be acquired under the provisions of this Bill is 6,707. Accordingly, the expenditure for acquiring the said shares will be Rs. 67,070. However, the actual expenditure may be less than the above amount as many of the shareholders may not turn up to lodge their claim in view of the fact that the whereabouts of some of the shareholders are not known.

2. Sub-clause (2) of clause 5 of the Bill provides that the amount payable to a shareholder under sub-clause (1) shall carry simple interest at the rate of 5½ per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the shareholder or where such amount has been deposited under sub-clause (4) of clause 6, on the date on which it is so deposited. It is not possible to estimate at this stage the amount that may have to be paid by way of interest for that will depend upon the time within which various shareholders may apply for the amount.

3. No expenditure is likely to be involved in connection with the work involved in the distribution of the amount as this work is proposed to be managed with the existing machinery of the Government.

4. The Bill, if enacted, is not likely to involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The matters in respect of which rules may be made would relate to matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.